

REMARKS/ARGUMENTS

Claims 7-12 are pending herein. Claims 1-4 have been cancelled without prejudice or disclaimer. New independent claims 7, 9-10 and 12 have been added as supported by Figs. 3-6d, for example. New independent claims 8 and 11 have been added as supported by Figs. 3, 3a, 3b and 5, for example.

1. Figs. 3, 3a, 3b, 5 and 6b have been amended to correct matters of form. No new matter has been added.
2. Claims 1 and 3 were rejected under §102(b) over Bussjager, and claims 2 and 4 were rejected under §103(a) over Bussjager in view of Howard. To the extent that these rejections may be applied against the new claims, they are respectfully traversed.

New independent claims 7-12 have been added to further distinguish the present application over both Bussjager and Howard. For example, new claims 7 and 11 recite an evaporator comprising two main circuits, each containing a plurality of individual circuits that, when viewed in cross section, overlap one another in the direction of airflow through the evaporator. The plurality of individual circuits of each main circuit is connected together with a common distributor. The two main circuits are arranged within the evaporator such that, when one main circuit is active, air flowing through the evaporator contacts a portion of the active main circuit across the entire face of the evaporator. Each individual circuit has a flash gas loss region, a highest temperature phase change region, a lowest temperature phase change region and a superheat region located in series. The circuit is structured such that airflow through the evaporator exits the flash gas loss region before exiting the highest temperature phase change region, exits the super-heat region before exiting the lowest temperature phase change region, and at least a portion of the air passing through the flash gas loss region passes through at least one of the superheat region and a superheat region of another of the individual circuits.

Bussjager discloses, in Fig. 2, a plurality of individual circuits 27, 29 connected together with a common distributor 13'. However, individual circuits 27 and 29 do

not overlap one another in the direction of airflow through the evaporator, as recited in claims 7 and 11. Furthermore, Bussjager discloses, in Fig. 2, airflow exiting the lowest temperature phase change region, likely near tube 32 in circuit 27, prior to exiting the superheat region, likely near tube 31 of circuit 27. This arrangement is clearly opposite to the arrangement recited in claims 7 and 10. Therefore, Bussjager fails to disclose at least these features recited in claims 7 and 10.

Howard discloses, in Fig. 2, an arrangement of two evaporator panels 24, each containing two main circuits, each with only one individual circuit connected with a common distributor. Therefore, Howard fails to disclose a plurality of individual circuits that, when viewed in cross section, overlap one another in the direction of airflow through the evaporator, as recited in claims 7 and 10. Furthermore, Howard fails to disclose the arrangement of regions, as recited in claims 7 and 10.

New claims 8 and 11 recite, among other things, an evaporator comprising two main circuits, each containing a plurality of individual circuits that, when viewed in cross section, are arranged completely diagonally with respect to the direction of airflow through the evaporator. Both Bussjager and Howard disclose evaporators containing circuits, which are varied in their direction as they extend through the evaporator. Furthermore, as discussed above, neither Bussjager nor Howard disclose the arrangement of regions recited in claims 8 and 11 in the same manner as claims 7 and 10. Therefore, Bussjager and Howard fails to disclose at least these features, as recited in claims 8 and 11.

New claims 9 and 12 recite, among other things, an evaporator comprising two main circuits, each containing a plurality of individual circuits, each individual circuit overlapping another said individual circuit from another of said main circuits in the direction of airflow through the evaporator. The regions of each individual circuit are arranged in the structure, as recited above in claims 7 and 10.

As discussed in greater detail above, Bussjager and Howard fail to disclose at least the circuit arrangement placing the circuit regions in the arrangement as recited in claims 9 and 12.

For at least the foregoing reasons, Applicant respectfully submits that all pending claims herein define patentable subject matter over the art of record. Accordingly, the Examiner is requested to issue a Notice of Allowance for this application in due course.

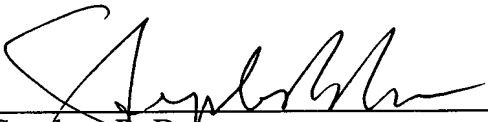
Examiner Zec is requested to confirm receipt and entry of the Power of Attorney filed on March 14, 2005 and the Change of Attorney's Address filed with the Amendment on March 15, 2005 (copies attached).

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

September 1, 2005
Date


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Attachments:

Five replacement drawing sheets
Power of Attorney
Change of Attorney's Address

Amendments to the Drawings:

Attached hereto are five replacement drawing sheets of Figs. 3, 3a, 3b, 5 and 6b. These drawings have been amended to correct matters of form.

Attachment: Five replacement drawing sheets